

1 **WO**

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Edward J Gladney,

10 Plaintiff,

11 v.

12 JT Shartle, et al.,

13 Defendants.  
14

No. CV-17-00427-TUC-DCB

**ORDER**

15 On October 23, 2019, this Court issued an Order granting summary judgment for  
16 Defendants in a case brought by a transgender, feminine, prisoner, who alleged she was  
17 sexually assaulted by a fellow prisoner. She complained the Defendants failed to provide  
18 adequate monitoring of her housing unit which resulted in her assault by the out-of-  
19 bounds prisoner. She accused the Defendants of failing to adequately staff her housing  
20 unit with one guard because two were required. The Court found the latter claim was not  
21 administratively exhausted and the first claim challenged a discretionary function, i.e., a  
22 day to day security consideration. In entering summary judgment for Defendants, the  
23 Court relied on evidence submitted by the Defendants in sealed exhibits to the Statement  
24 of Facts (Doc. 110) and, therefore, sealed its Order (Doc. 131.)

25 On September 22, 2020, the Court received a Motion by Human Rights Defense  
26 Center, Johnson & Klein, PLLC, Prof. Gregg Leslie, and Prof. Eugene Volokh to  
27 Intervene for the sole purpose of unsealing the Order. The Government does not object  
28 to disclosing the Order, except to ask the Court to redact the name of the prisoner who


1 allegedly assaulted the Plaintiff. The Court has reviewed its Order and found reference to  
2 the sealed evidence at page 4, lines 3 through 11 and page 5, lines 19 through 26. The  
3 Court does not find any information there that discloses sensitive security information or  
4 personal information that has not already been disclosed in other non-sealed materials  
5 filed in this case. The Court finds good cause to disclose its Order because, generally,  
6 “judge’s opinions and orders belong in the public domain.” (Motion (Doc. 142) at 4  
7 (citing *Union Oil Co v. Leavell*, 220 F.3d 562, 568 (7th Cr. 2000)).

8 **Accordingly,**

9 **IT IS ORDERED** that the Motion to Intervene and Unseal (Doc. 142) is  
10 GRANTED IN PART AND DENIED IN PART, as follows: 1) the Human Rights  
11 Defense Center, Johnson & Klein, PLLC, Prof. Gregg Leslie, and Prof. Eugene Volokh  
12 shall be allowed to Intervene for the sole purpose of filing this motion, and 2) the Order  
13 (Doc. 131) shall be disclosed by being amended to reflect the redaction of the name of  
14 the prisoner who allegedly assaulted the Plaintiff.

15 Dated this 21st day of October, 2020.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



David C. Bury  
United States District Judge